

EX PARTE OR LATE FILED

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August 12, 2004

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AUG 12 2004

Federal Communications Commission  
Office of Secretary

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re: Broadband PCS Spectrum Auction Scheduled for January 12, 2005,  
Comment Sought on Reserve Prices Or Minimum Opening Bids And Other  
Auction Procedures, Public Notice DA 04-1639**

**Petition for Rulemaking or, Alternatively, a Waiver of the  
Entrepreneur Eligibility Restrictions on C Block Licenses in the  
Broadband Personal Communications Services, RM-11019**

**Petition for Amendment of Part 1 of the Commission's Rules to  
Include a Personal Net Worth Limitation for Competitive Bidding Small  
Business Preference Eligibility, RM-10956**

Dear Ms. Dortch:

On behalf of Council Tree Communications, Inc. ("Council Tree"), and pursuant to Section 1.1206 of the Commission's rules, this is to notify you of *ex parte* communications between the undersigned and Sheryl Wilkerson, Legal Advisor to Chairman Powell, and Paul Margie, Legal Advisor to Commissioner Copps, respectively on August 11, 2004 regarding the above-captioned proceedings.

During the discussions, I reiterated Council Tree's strong support for the retention of the current DE set-aside rules for upcoming Auction No. 58, as set forth in Council Tree's filings.

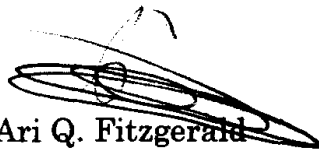
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An original and one copy of this letter are being submitted for inclusion in the proceeding record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ari Q. Fitzgerald", is written over a horizontal line.

Ari Q. Fitzgerald  
Counsel for Council Tree Communications, Inc.

AQF/bg  
Enclosures

Cc: Sheryl Wilkerson  
Paul Margie